

# USA Today Exposes "Misguided" Card Check Bill As "Undermining Democratic Principles"

**From:** The Committee on Education and Labor - Minority Staff

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Dear Colleague:

I urge you to read the following editorial from *USA Today*, which lays out a compelling case against the deceptively-named "Employee Free Choice Act," a bill that would strip workers of their basic democratic rights in the workplace. Public opinion and leading editorial pages have consistently opposed this unfair measure.

Sincerely,

/s/

Howard P. "Buck" McKeon (R-CA)  
Senior Republican  
Committee on Education and Labor

## **Our view on labor laws: No way to form a union**

*Workers deserve to hear both sides, vote in private.*

When citizens go to the polls on Nov. 4, they will be free to vote their conscience — regardless of pressure from relatives, friends or co-workers — after having had a chance to weigh the alternatives. Campaigns and secret ballots are sacrosanct elements of American democracy.

So it's surprising and disturbing that organized labor wants to do away with both these elements when workers decide whether to form a union.

Under the current system, once 30% of a company's workers sign union authorization cards, the National Labor Relations Board

(NLRB) administers a confidential vote, typically 39 days after it receives the cards. The union and employer campaign for votes.

Under a major rewrite of U.S. labor law being promoted by unions, when more than 50% of employees sign authorization cards, the NLRB would have to recognize the new union. No campaign. No secret ballot.

This misguided measure passed the House shortly after Democrats took the majority in 2007. But it needs several more votes in the Senate and a president who will sign it. Barack Obama supports it; John McCain does not. It's no surprise, then, that the AFL-CIO plans to spend an eye-popping \$200 million this election cycle to support Obama and Democratic candidates for Congress. A win for Obama and big gains for Senate Democrats could remove the remaining obstacles to the euphemistically named "Employee Free Choice Act."

Cajoled choice is more like it. The proposed change would give unions and pro-union employees more incentive to use peer pressure, or worse, to persuade reluctant workers to sign their cards. And without elections, workers who weren't contacted by union organizers would have no say in the final outcome.

Labor leaders, such as AFL-CIO President John Sweeney in the space below, argue that the proposed law wouldn't prohibit private balloting. This is accurate but misleading. Union organizers would have no reason to seek an election if they had union cards signed by more than 50% of workers. And if they had less than a majority, they'd be unlikely to call for a vote they'd probably lose.

The legislation has other questionable provisions as well. For example, once a union is formed, if labor and management can't agree on a contract, a federal arbitration board would be called on to go beyond the normal role of facilitating talks and actually dictate terms.

Labor has seen its role decline since the 1950s, when about a third of all private sector employees belonged to unions, compared with about 7.5% today. So it's understandably eager to find ways to expand membership, particularly at a time when workers are feeling economically vulnerable. But undermining democratic principles is not the answer.